

ZB# 03-62

**New Windsor
Development Co.
(Sarna Enterprises)
77-2-11**

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
1-12-04

ZBA #03-62 NEW WINDSOR DEV. CO.
2805 CHERRY TREE WAY (77-2-11) AREA

Marvin - Cell # 1-908-208-1923



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

March 15, 2004

Sarna Enterprises (or Present Owner of)
2805 Cherry Tree Way
New Windsor, NY 12553

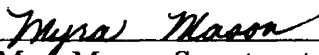
SUBJECT: REQUEST FOR VARIANCE #03-62 (77-2-11)

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,


Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 77-2-11

In the Matter of the Application of

SARNA ENTERPRISES

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #03-62

WHEREAS, Marvin Rosenzweig, builder of the structure appeared on behalf of Sarna Enterprises, the owner(s) of 2805 Cherry Tree Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 9 feet, 1 inch Rear Yard Setback for existing one-family house at 2805 Cherry Tree Way (The Reserve) in an R-3 zone and;

WHEREAS, a public hearing was held on January 12, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) This property contains a new one-family house.
 - (c) At the time the house was built, the foundation was improperly located by the surveyor and improperly excavated, placing the house 9 feet 1 inch in arrears of where it was originally intended.

- (d) The house does not project any closer to the road than the neighboring houses.
- (e) No trees or substantial vegetation was removed in construction of the house.
- (f) The house is not constructed over any easements including, but not limited to, water, sewer and utility.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

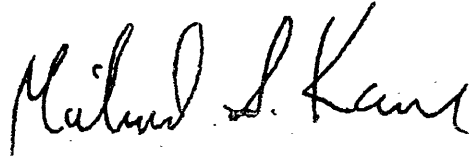
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 9 feet, 1 inch Rear Yard Setback for existing one-family house at 2805 Cherry Tree Way (The Reserve) in an R-3 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: January 12, 2004

A handwritten signature in dark ink, appearing to read "Michael S. Kane". The signature is written in a cursive style with a large initial "M".

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 1, 2004
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 210.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-62

NAME & ADDRESS:

**NEW WINDSOR DEVELOPMENT CO., LLC.
16 Microlab Road (Suite D
Livingston, NJ 07039**

THANK YOU,

MYRA

L.R.3/1/04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #03-62 TYPE: AREA

APPLICANT Name & Address:

NEW WINDSOR DEVELOPMENT CO., LLC.

16 Microlab Road (Suite D

Livingston, NJ 07039

TELEPHONE: 1-908-208-1923

RESIDENTIAL:	\$ 50.00	CHECK #106682
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #106681

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> FEE	
PRELIMINARY:	<u>3</u>	PAGES	\$ <u>13.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	** <u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	\$ <u> </u>	\$ <u> </u>
TOTAL:		\$ <u>20.00</u>	\$ <u>70.00</u>	

**** PLEASE NOTE: AS OF 1/1/04 MINUTES ARE \$5.50 PER PAGE**

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 90.00

AMOUNT DUE: \$

REFUND DUE: \$ 210.00

L.R. 3/1/04

SARNA ENTERPRISES (03-62)

MR. KANE: Request for 9 feet 1 inch rear yard setback for existing one-family house at 2805 Cherry Tree Way (The Reserve) in an R-3 zone.

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MR. KANE: We added the one inch, I thought it was 9 feet.

MR. ROSENZWEIG: 9 foot 1.

MR. BABCOCK: 9.1.

MR. BABCOCK: That's off the survey, Mr. Chairman.

MR. KANE: Let's make that .1 cause in our agenda, it has 9 foot 1 inch. Tell us what you want to do, sir.

MR. ROSENZWEIG: I'd like to request a variance. We put the house up, it came to light after the fact that we were 9 foot 1 off in the wrong direction and it's a little too late to take it down. And I'm requesting, it has no effect to the neighborhood at all, on the contrary, the customer has less of a back yard, it's to his detriment, but I'm requesting a variance for that.

MR. KANE: So the trend tonight is watch when they're pouring all foundations.

MR. ROSENZWEIG: Actually, when it's being staked out.

MR. REIS: There's no deck on this house?

MR. ROSENZWEIG: No.

MR. REIS: Might inform the potential buyer that he's up against the variance for a deck.

MR. ROSENZWEIG: He's, I think he's aware of that situation.

MR. MINUTA: Was this staked out by a licensed professional before it was dug?

MR. ROSENZWEIG: The mistake was at the time that they were laying it out for the excavation, they're pulling off the stakes, they must of made a mistake pulling in the wrong direction and that's what happened.

MR. KANE: Nine foot too much in the front and nine foot less in the back. Creating any water hazards or runoff with the building of that home?

MR. ROSENZWEIG: No.

MR. KANE: Cut down any trees or substantial vegetation?

MR. ROSENZWEIG: No.

MR. KANE: Home itself does not protrude closer to the road than the other homes in your neighborhood?

MR. ROSENZWEIG: Closer to the road, no.

MR. KANE: Further back?

MR. ROSENZWEIG: Right.

MR. KANE: Get it on the record. Questions, guys? Okay, at this point, I will open it up to the public and ask if there's anybody in the audience for this particular hearing and nobody's home so we'll close the public portion and ask Myra how many mailings we had?

MS. MASON: On the 29th of December, I mailed 22 envelopes containing the notice of public hearing with

January 12, 2004

26

no responses.

MR. KANE: Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I recommend that we grant Sarna Enterprises' request for 9.1 feet rear yard setback at 2805 Cherry Tree Lane.

MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. ROSENZWEIG: Thank you.

December 22, 2003

1

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

DECEMBER 22, 2003

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD
STEPHEN RIVERA
JOSEPH MINUTA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: MICHAEL REIS

REGULAR MEETING

MR. KANE: I'd like to call to order the December 22,
2003 meeting to order.

PRELIMINARY MEETING:

SARNA ENTERPRISES (03-62)

MR. KANE: First preliminary meeting tonight, only preliminary meeting is Sarna Enterprises. Request for 9 feet 1 inch rear yard setback for existing one-family house at 2805 Cherry Tree Way (The Reserve) in an R-3 zone.

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MR. ROSENZWEIG: Good evening, everybody, thank you for having me as the only person on the board tonight, I appreciate it.

MR. KANE: Tell us why you're here.

MR. ROSENZWEIG: We're in the, we're passed the rear setback by 9 feet and we caught it too late. If we had caught it sooner, it wouldn't have been a problem. We've taken down a foundation before, we've taken down a footing before. In this case, we did order a foundation location, we thought we had the okay. Usually, if there's a problem, our surveyor tells us there's a problem. Somehow, it got through and this came to light when I was applying for the C.O. You can see there's plenty of room to move it towards the front setback and in anybody's right mind, I don't think anybody would want to lose a back yard and that's what happened in this case. You can see that it's clearly a mistake.

MR. BABCOCK: Mr. Chairman, they're 9.1 feet and it's 9.5 feet that they have left over in the front, so it's exactly.

MR. KANE: What it should have been. We're not going to run into this with any other homes?

MR. BABCOCK: They didn't make the house bigger so it doesn't fit the lot, they literally moved the house back 9 feet.

MR. ROSENZWEIG: It was clearly a mistake and it really isn't as noticeable through the pictures because what happens is the actual lot that the house is situated on tapers off like this and the house--

MR. KANE: Doesn't extend out, yeah, you can see that in the pictures that it doesn't extend in front of the other homes.

MR. MINUTA: These pictures are the existing home, it's already been constructed?

MR. ROSENZWEIG: Yes.

MR. KANE: It would be a financial hardship to take it down?

MR. ROSENZWEIG: Absolutely and I'd say that it isn't really a detriment to the community.

MR. KANE: No water hazards or runoffs that you can tell with this kind of thing?

MR. ROSENZWEIG: No, so I'm asking for relief if possible. I have a purchaser already, though they're living in a hotel, they thought they'd be in for Christmas.

MR. KANE: Do you guys have any other further questions?

MR. MINUTA: No questions.

MR. KANE: Then I'll ask for a motion to set them up for a public meeting. I would also ask that with

regards to 48-33 (D) that we authorize the zoning inspector to issue a temporary C of O so that perhaps they can get in there before Christmas, that will extend for 90 days only. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the Town respective to the use or occupancy of the land or building or any other matter covered by this local law.

MR. BABCOCK: We're ready to issue the C.O.s, all the inspections have been done, so it's a matter of him coming back and having a public hearing for the variance is really what he has to fulfill.

MR. MC DONALD: We're going to grant the temporary?

MR. KANE: Issue that authority to the officer and set him up for a public hearing.

MR. MC DONALD: I'll make that motion.

MR. RIVERA: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. RIVERA: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. MCDONALD	AYE
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December 22, 2003

5

MR. RIVERA

AYE

MR. MINUTA

AYE

MR. KANE

AYE

Respectfully Submitted By:



Frances Roth
Stenographer

1/6/04



PROJECT: N.W. Development - The Reserve ZBA # 03-62
P.B.#

APPROVED: M)____S)____ VOTE: A____ N____
 RIVERA _____
 MCDONALD _____ CARRIED: Y____ N____
 REIS _____
 MINUTA _____
 KANE _____

CARRIED: Y ☒ N ☐

[illegible]

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF CERTIFICATE OF OCCUPANCY

DATE: 12/15/03

APPLICANT: Sarna Enterprises
15 Engle Street, Suite 100
Englewood, NJ 07631

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Mt. Airy Estates Inc.

LOCATED AT: 2805 Cherry Tree Way

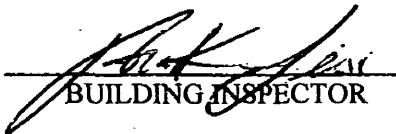
ZONE: R-3 Sec/Blk/ Lot: 77-2-11

DESCRIPTION OF EXISTING SITE: Existing One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing one family house does not meet minimum 30ft rear yard set-back.

COPY


BUILDING INSPECTOR

PERMITTED 30ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: See approved sub-division map

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

20.9ft

9.1ft

REQ'D FRONTAGE:

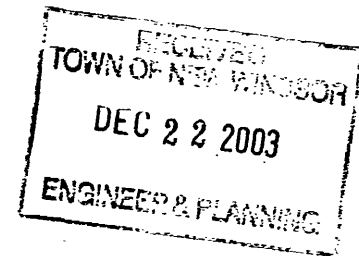
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



03-62

BUILDING PERMIT

The Town of New Windsor Building Department, County of Orange, State Of New York
hereby issues permit for project as described herein:

Permit Number:

PA2003-0634

Tax Parcel ID:

77-2-11

Issue Date:

June 10, 2003

Permit Issued To: **Owner**

Permit Fee:

\$920.40

Permit Application Reference: **PA2003-0634**

Type Of Permit: **RESIDENTIAL**

ONE FAMILY DWELLING

Street Address of Property: **2805 CHERRY TREE WAY**

Property Owner's Name: **MT AIRY EST INC
C/O SARNA ENTERPRISES**

Property Owner's Address: **15 ENGLE ST. SUITE 100
ENGLEWOOD NJ 07631**

Occupant's Name:

Occupancy Classification: **A1**

Description Of Work: **ONE FAMILY DWELLING "UNFINISHED BASEMENT"**

I am familiar with the Zoning/Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. The information stated above is correct and accurate.

NEW WINDSOR DEP CO

Signature of Applicant

A permit, under which no work has commenced within six (6) months after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspections will not be scheduled. **YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE** when calling for any inspections or inquiries

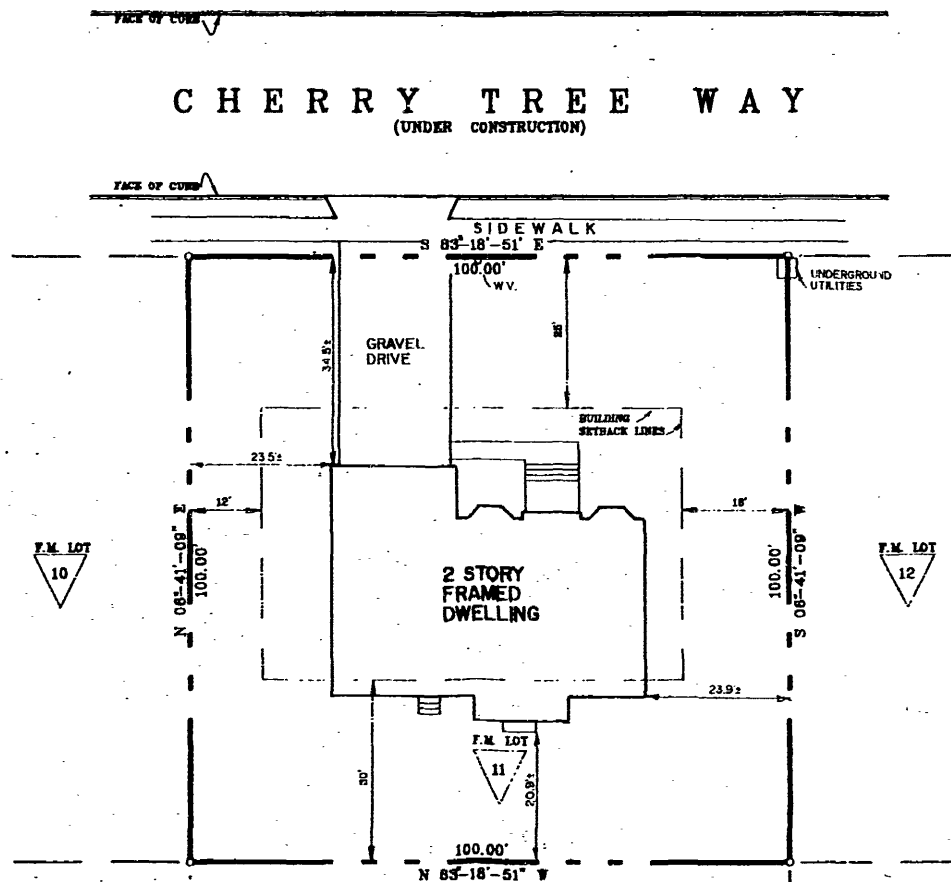
You must call for the following phases

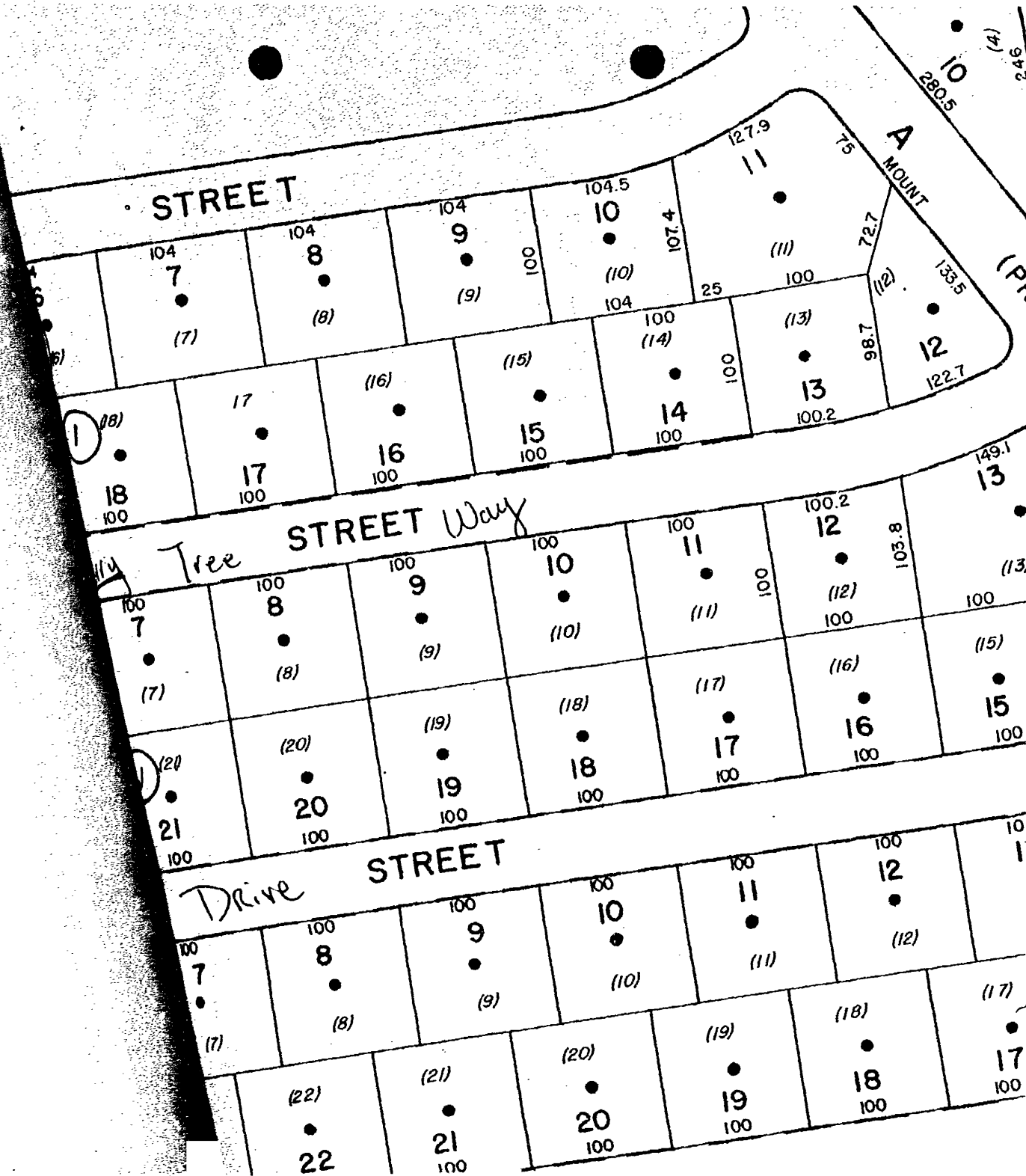
FOOTING	BUILDING DEP	FOUNDATION	BUILDING DEP
FOOTING DRAINS	BUILDING DEP	SLAB	BUILDING DEP
FRAMING	BUILDING DEP	ROUGH PLUMBING	BUILDING DEP
ROUGH ELECTRIC	UNDERWRITE	INSULATION	BUILDING DEP
C.O. OR C.C.	BUILDING DEP 845-563-4618		

Signature of Building Inspector

VALID UNTIL

12/10/2004





100

Ridge STREET

100 5 • (5) 100	100 6 • (6) 100	100 7 • (7) 100	100 8 • (8) 100	102.3 9 • (9) 128.9
122.1	122.9	123.7	124.5	137.2
100 14 • (14) 100	100 13 • (13) 100	100 12 • (12) 100	100 11 • (11) 100	100 10 • (10) 159.1
765				

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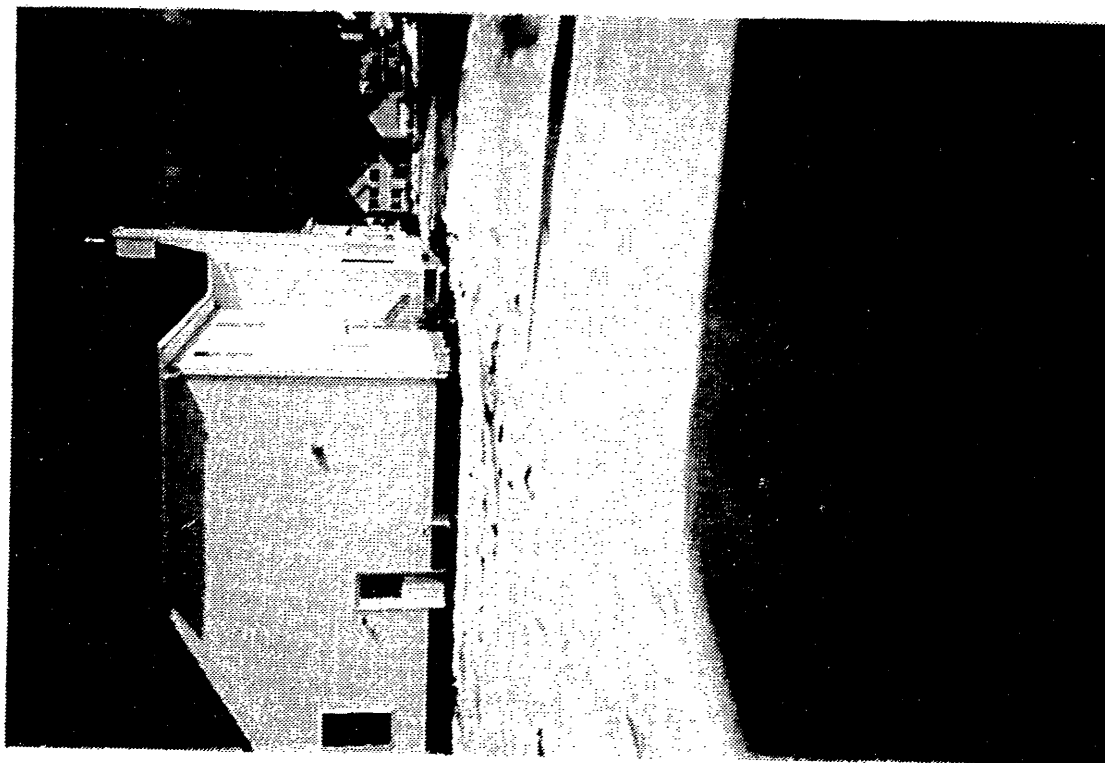
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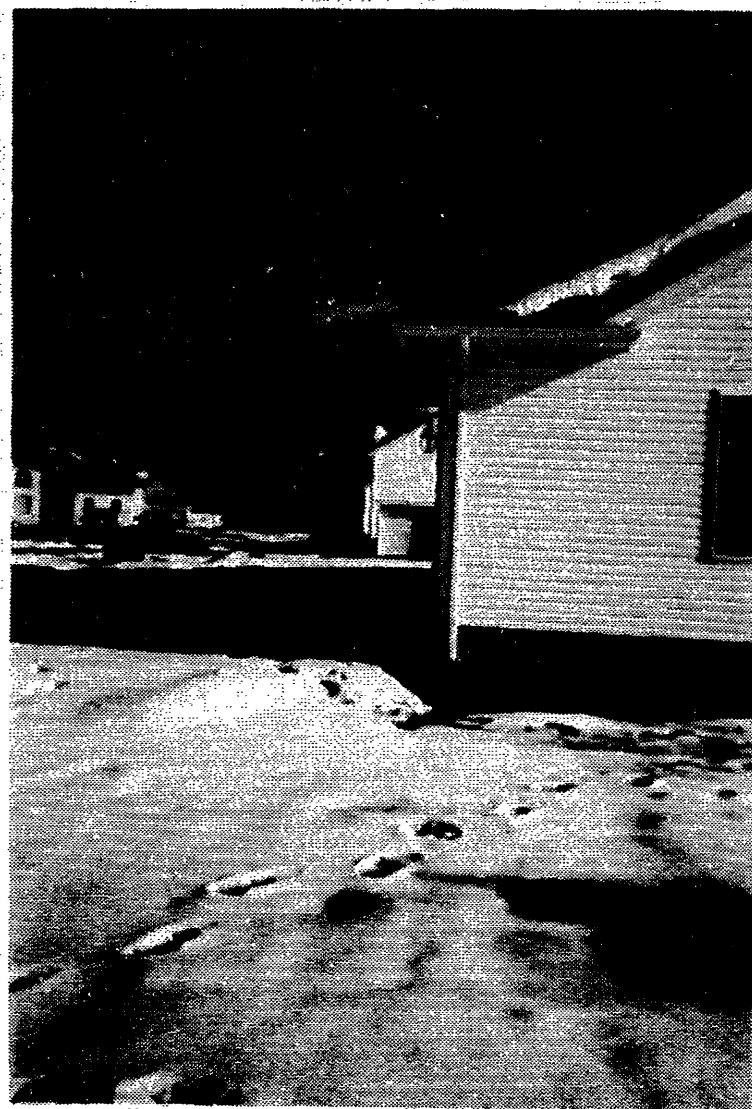
P. 10/23/20

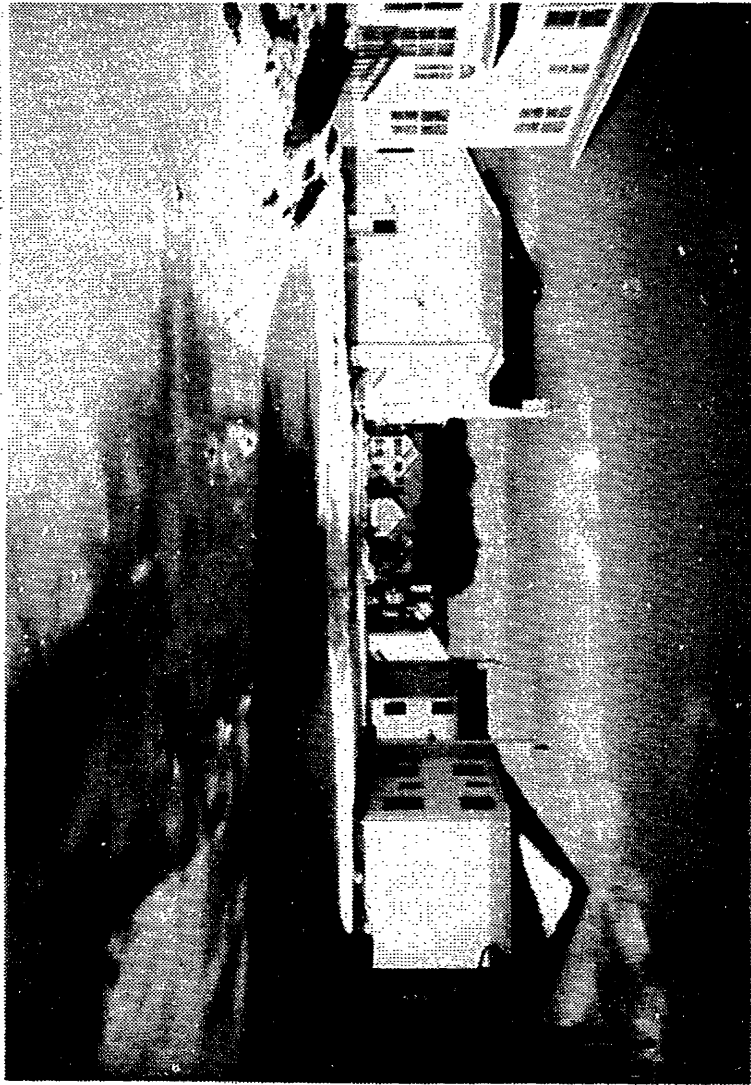
Institution Way STREET

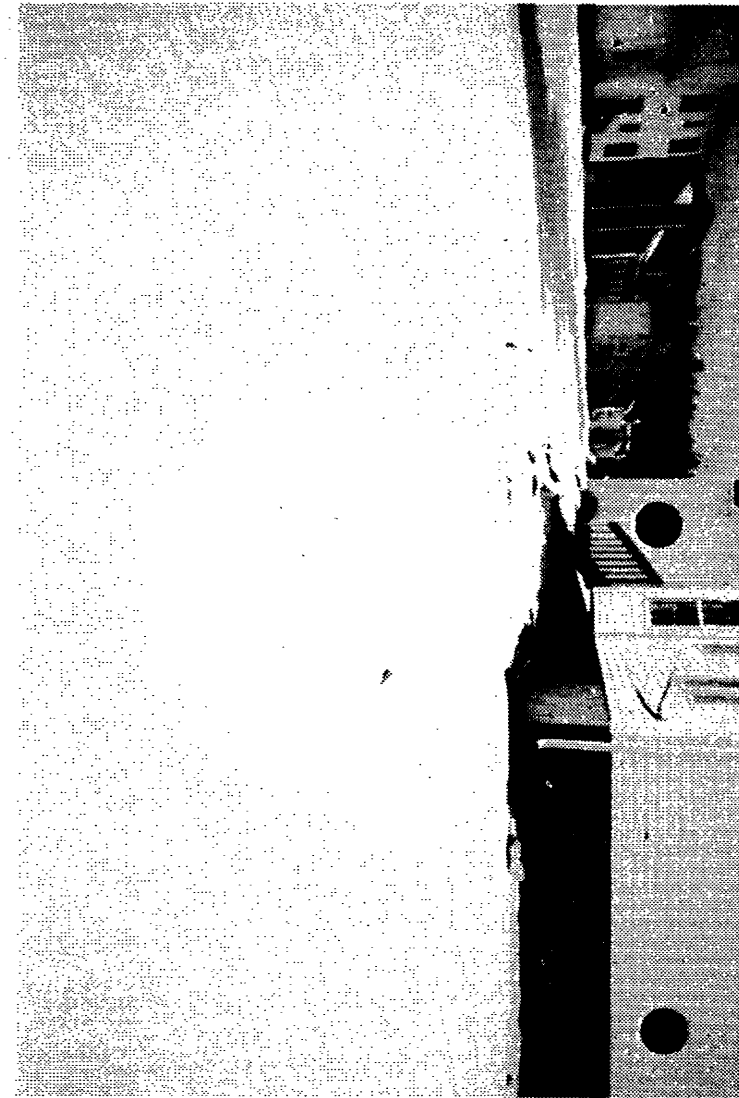
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100	100	100	100	100
100 15 • (15) 100	100 14 • (14) 100	100 13 • (13) 100	100 12 • (12) 100	101.1 11 • (11) 101.1
100	100	100	100	100

STREET









**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

NEW WINDSOR DEVELOPMENT CO. LLC

**AFFIDAVIT OF
SERVICE
BY MAIL**

#03-62

-----X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 29TH day of **DECEMBER**, 2003, I compared the 22 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

29th day of December, 2003

J. F. M. Gallagher
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-62

Request of NEW WINDSOR DEVELOPMENT CO., LLC. (THE RESERVE)

for a VARIANCE of the Zoning Local Law to Permit:

Request for 9 feet, 1 inch Rear Yard Setback for existing one-family house

being a VARIANCE of Section R-3 Bulk Tables (Approved Subdivision Map)

for property located at: 2805 Cherry Tree Way (The Reserve) in an R-3 zone

known and designated as tax map Section 77 Block 2 Lot 11

**PUBLIC HEARING will take place on January 12th, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

December 29, 2003

NEW WINDSOR DEVELOPMENT CO., LLC.
16 Microlab Road (Suite D)
Livingston, NJ 07039

SUBJECT: REQUEST FOR VARIANCE #03-62

Dear Mr. Rosenzweig:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2805 Cherry Way
New Windsor, NY

is scheduled for the January 12th, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 12-22-2003

FOR: ESCROW

FROM: NEW WINDSOR DEVELOPMENT CO.


16 MICROLAB ROAD - SUITE D

LIVINGSTON, NJ 07039

CHECK NUMBER: 106681

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

12/22/03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

December 29, 2003

New Windsor Development Corp.
Marvin Rosenzweig
570 West Mt. Pleasant Ave. – Suite 100
Livingston, NJ 07039

Re: 77-2-11 ZBA#03-62

Dear Mr. Rosenzweig:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads "J. Todd Wiley" followed by a circled "IP".

J. Todd Wiley, IAO
Assessor

JTW/tmp
Attachments

CC: Myra Mason, ZBA

32-2-53
City of Newburgh – City Comptroller
City Hall
Newburgh, NY 12550

Various
Mt. Airy Estates
c/o Sarna Enterprises
15 Engle Street – Suite 100
Englewood, NJ 07631

77-3-3
Chatfield, Robert W. & Erinn J.
2205 Reverses Run
New Windsor, NY 12553

77-6-10
Iaquinta, Neal & Theresa
2709 Colonial Drive
New Windsor, NY 12553

77-6-21
Soto, Francisco Jr. & Diaz, Cynthia
2614 Liberty Ridge
New Windsor, NY 12553

77-6-24
Simknovich, Irina
2620 Liberty Ridge
New Windsor, NY 12553

77-7-7
Krešević, John E. & Marilyn R.
2613 Liberty Ridge
New Windsor, NY 12553

77-9-1
Albanese, Anthony A. & Tracy A.
2301 Pioneer Trail
New Windsor, NY 12553

77-2-15
Boudreau, Yves & Barbara
2704 Colonial Drive
New Windsor, NY 12553

77-2-19
New Windsor Dev. Co., LLC
16 Microlab Road – Suite A
Livingston, NJ 07039

77-3-4
Weiss, Scott & Cyndee E.
2203 Reverses Run
New Windsor, NY 12553

77-6-19
Lakhman, Yelena
2610 Liberty Ridge
New Windsor, NY 12553

77-6-22
Kocik, Jeri G. & Cheryl D.
2616 Liberty Ridge
New Windsor, NY 12553

77-7-5
Ventura, Wilson & Arino, Ana
2617 Liberty Ridge
New Windsor, NY 12553

77-7-8
Rose, Richard & Rose Marie
2611 Liberty Ridge
New Windsor, NY 12553

77-2-16
Stewart, Maria
2706 Colonial Drive
New Windsor, NY 12553

77-3-2
Keating, James F. & Nancy E.
2207 Reverses Run
New Windsor, NY 12553

77-3-5
Hopkins, Gerard
2018 Independence Drive
New Windsor, NY 12553

77-6-20
Olsen, David L. & Ellen M.
2612 Liberty Ridge
New Windsor, NY 12553

77-6-23
Davis, Edward & Regina
2618 Liberty Ridge
New Windsor, NY 12553

77-7-6
McTigue, Kenneth R. & Annette
2615 Liberty Ridge
New Windsor, NY 12553

77-7-9
Morales, Daniel P. & Diana M.
2609 Liberty Ridge
New Windsor, NY 12553



RESULTS OF Z.B.A. MEETING OF: December 22, 2003

PROJECT: N.W. Development Co. ZBA # 03-62
P.B.# _____



USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Mc S) Rv VOTE: A 4 N 0
RIVERA A
MCDONALD A
REIS A
MINUTA A
KANE A
CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____ CARRIED: Y _____ N _____
MINUTA _____
KANE _____

Temporary C.O. for 90 days

2017 #03-62 Escrow



New Windsor Development Co., LLC

Suite D 1-908-208-1923
16 Microlab Road
Livingston, NJ 07039

Valley National Bank
Mayflower Office
73 South Livingston Ave.
Livingston, NJ 07039

106681

PAY
AMOUNT
OF
PAY
TO THE
ORDER
OF

*THREE HUNDRED AND XX / 100

TOWNSHIP OF NEW WINDSOR

DATE

AMOUNT

12/16/2003

*****300.00*

AUTHORIZED SIGNATURE

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈106681⑈ ⑆021201383⑆ ⑈040782115⑈

ZBA #03-62 Application fee



New Windsor Development Co., LLC

Suite D 1-908-208-1923
16 Microlab Road
Livingston, NJ 07039

Valley National Bank
Mayflower Office
73 South Livingston Ave.
Livingston, NJ 07039

106682

PAY
AMOUNT
OF
PAY
TO THE
ORDER
OF

*FIFTY AND XX / 100

TOWNSHIP OF NEW WINDSOR

DATE

AMOUNT

12/16/2003

*****50.00*

AUTHORIZED SIGNATURE

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈106682⑈ ⑆021201383⑆ ⑈040782115⑈



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

RECEIVED
TOWN OF NEW WINDSOR

DEC 22 2003

ENGINEER & PLANNING

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

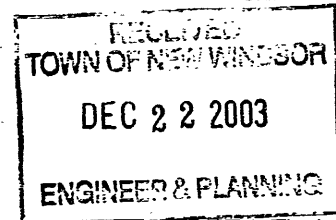
I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Mark Darna
SIGNATURE

12.16.03
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



03-62



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE



12-16-03

Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (201) 816-1200
Fax Number: (201) 816

(Name) MT AIRY ESTATES, INC
(Address) 15 ENGLE ST ENGLEWOOD, NJ 07631

II. If Moving to New Address, please list forwarding address for return of escrow:

(Name) APPLICANT For Billing
NEW WINDSOR DEVELOPMENT CO. Phone Number: (973) 422-1666
Fax Number: (973) 422-9460
(Address) 16 MICROLAB ROAD LIVINGSTON, NJ 07039

III. Attorney:

Phone Number: (845) 778-2121
Fax Number: (845) 778-5173
(Name) JACOBOWITZ & GUBITZ
(Address) 158 ORANGE AVE WALDEN, NY 12586

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 343-7994
Fax Number: (845) 343-5018
(Name) LEO J. CARROLL
(Address) 83 CEMETERY RD MIDDLETOWN NY 10940

V. Property Information:

Zone: R-3 Property Address in Question: 2805 CHERRY TREE WAY
Lot Size: 10,000 Tax Map Number: Section 77 Block 2 Lot 11
a. What other zones lie within 500 feet? NONE
b. Is pending sale or lease subject to ZBA approval of this Application? YES
c. When was property purchased by present owner? _____
d. Has property been subdivided previously? No If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

TOWN OF NEW WINDSOR

DEC 22 2003

ENGINEER & PLANNING

03-62

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

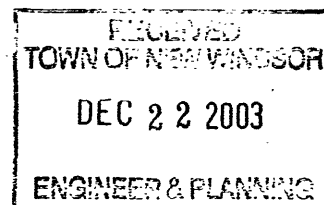
VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.	30 FT	20.9 FT
Reqd. St Front*		9.1 FT
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*		
Floor Area Ration**		
Parking Area		

*Residential Districts Only

**Non-Residential Districts Only



PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

03-62

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

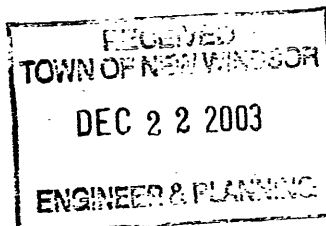
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

WE BELIEVE THAT IF THE ZBA GRANTS
THE VARIANCE REQUESTED, THERE WILL BE
NO ADVERSE EFFECT OR IMPACT ON THE NEIGHBORHOOD
PHYSICALLY OR ENVIRONMENTALLY. THE REQUESTED CHANGE
IS NOT SUBSTANTIAL, AND DOES NOT CAUSE HARM
TO THE SURROUNDING PROPERTIES. ~~EXCEPT~~. THERE IS
NO OTHER REASONABLE METHOD TO AFFECT THIS CHANGE
WITHOUT AN EXTREME COST BEING BORNE BY THE
APPLICANT. FINALLY, THE DIFFICULTY WAS CAUSED BY
CONTRACTOR ERROR, HAD WE KNOWN ABOUT THE ERROR
WE WOULD HAVE CORRECTED AT THAT TIME.

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**



03-62

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

MT A.R.Y. ESTATES, INC, deposes and says that he resides
(OWNER)
at 15 EAGLE ST ENGLEWOOD, NJ 07631 in the County of BERGEN
(OWNER'S ADDRESS)

and State of NEW JERSEY and that he is the owner of property tax map
(Sec. 77 Block 2 Lot 11)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

NEW WINDSOR DEV COMPANY 16 MICRO LAB RD LIVINGSTON, NJ. 07039
(Applicant Name & Address, if different from owner)

JACOBOWITZ & GUBITZ 158 ORANGE AVE WARDEN N.J. 12586
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 12-16-03

Sworn to before me this:
16th day of December 2003

Linda A. Gelinas
Signature and Stamp of Notary

** Machdara
Owner's Signature (MUST BE NOTARIZED)

[Signature]
Applicant's Signature (If different than owner)

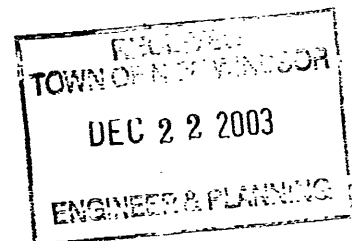
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

LINDA A. GELINAS
Notary Public, State of New York
No. 01GE5038898
Qualified in Orange County
Commission Expires 2/7/06



COMPLETE THIS PAGE ☐

03-62

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
 - ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16 day of December 20 03.

Mark Sarna

Owner's Signature (Notarized)

MARK SARNA

Owner's Name (Please Print)

X [Signature]

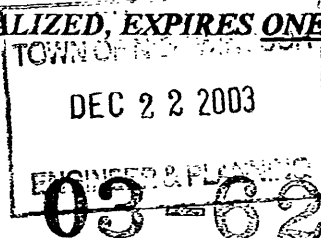
Applicant's Signature (If not Owner)

Linda A. Gelin
Signature and Stamp of Notary

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

LINDA A. GELINAS
Notary Public, State of New York
No. 01GE5038898
Qualified in Orange County
Commission Expires 2/2/06



COMPLETE THIS PAGE ☐

ZBA #03-62

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1173-2003

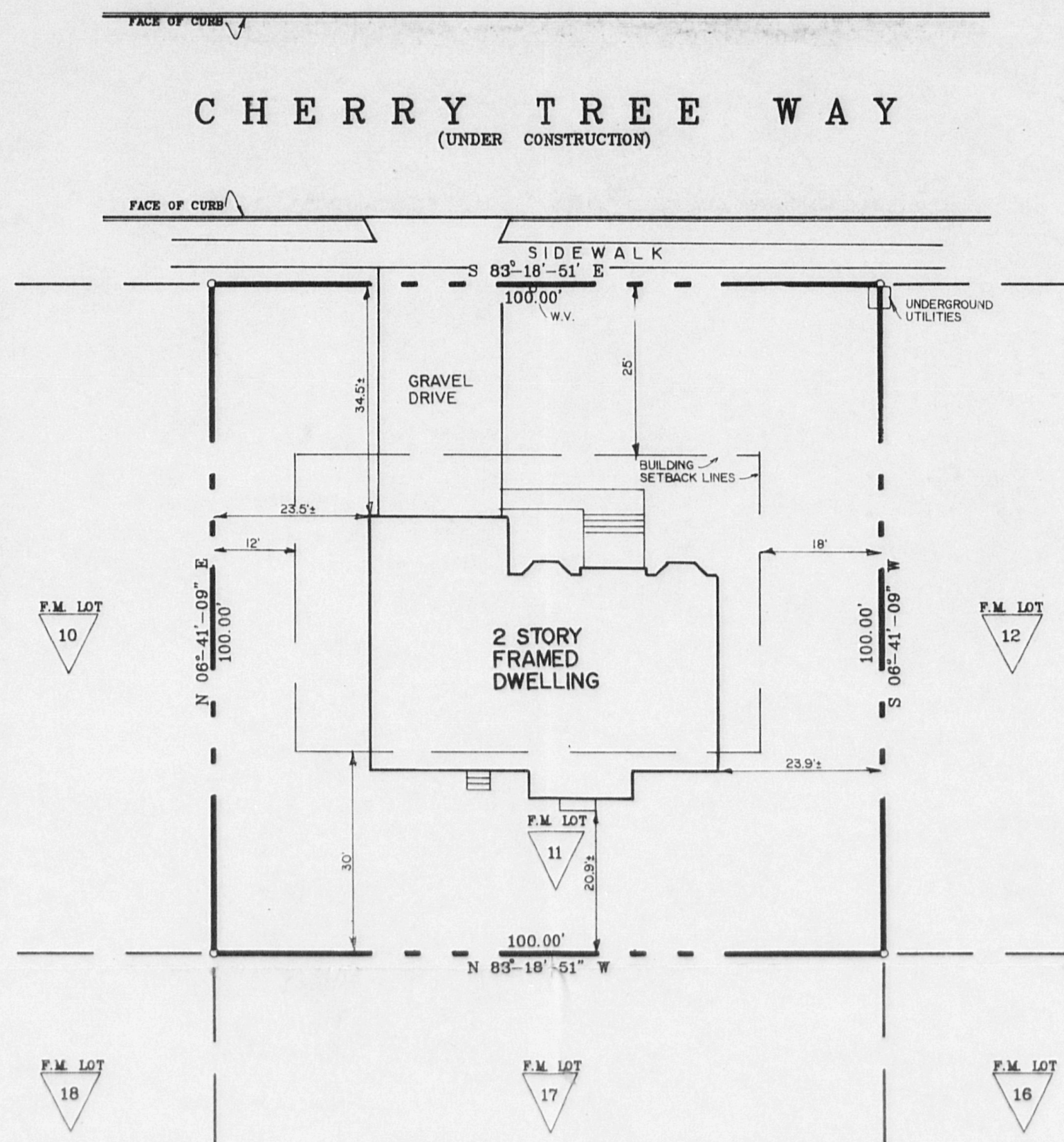
12/22/2003

New Windsor Development Co
Suite 100
570 West Mt. Pleasant Ave.
Livingston, NJ 07039

Received \$ 50.00 for Zoning Board Fees, on 12/22/2003. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



AREA:
0.230 Ac.±

DECEMBER 8, 2003

I HEREBY CERTIFY TO ANTONIO and LAURA P. NASTRO, NEW WINDSOR DEVELOPMENT COMPANY, LLC, WELLS FARGO HOME MORTGAGE, its successors and/or assigns and FIRST AMERICAN TITLE INSURANCE COMPANY THAT THIS IS A TRUE AND ACCURATE SURVEY PERFORMED IN THE FIELD.

TAX MAP REFERENCE:

TOWN OF NEW WINDSOR
SECT. 77, BLK. 2, LOT 11

FILED MAP REFERENCE:

BEING LOT #11, BLOCK 'J' OF A FILED SUBDIVISION MAP ENTITLED "MOUNT AIRE ESTATES" AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE AS MAP #3485 ON JUNE 20, 1975.

NOTES:

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 1 OF THE NEW YORK STATE EDUCATION LAW.

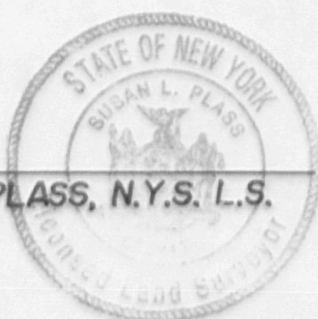
THE ALTERATION OF SURVEY MAPS BY ANYONE OTHER THAN THE ORIGINAL PREPARER IS MISLEADING, CONFUSING AND NOT IN THE GENERAL WELFARE AND BENEFIT OF THE PUBLIC. LICENSED LAND SURVEYORS, OR OTHER, SHALL NOT ALTER SURVEY MAPS, PLANS OR PLATS PREPARED BY OTHERS.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID.

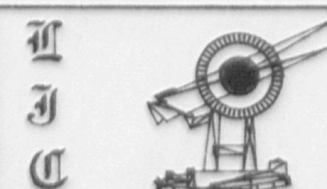
CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE STATE OF NEW YORK ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, AND LENDING INSTITUTION LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THIS SURVEY IS SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD AN ABSTRACT OF TITLE MAY DISCLOSE.

SUBSURFACE STRUCTURES AND/OR UTILITIES WHICH WERE NOT VISIBLE AT THE TIME OF THIS FIELD SURVEY MAY NOT BE SHOWN.



SUSAN L. PLASS, N.Y.S. L.S.
#50317



**LEO J. CARROLL, P.E., L.S.
& ASSOCIATES**

83 Cemetery Rd, Middletown, NY 10940 (845) 343-7994

PROPERTY SURVEY

FOR:
ANTONIO and LAURA P. NASTRO
CHERRY TREE WAY
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

REVISED:
12-8-03

SCALE:
1" = 20'

DATE:
3-10-03

DRAWN:
J.E.S.

CHECKED:
S.L.P.

SHEET NO.
1